

## Message Text

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ACTION VOE-00

INFO OCT-01 EUR-06 ISO-00 NEA-05 SCA-01 SY-07 CIAE-00

FBIE-00 INSE-00 NSAE-00 /020 W

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P 111332Z SEP 73

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC PRIORITY 1701

UNCLAS OTTAWA 2169

E.O. 11652: N/A TAGS: CVIS

SUBJECT: CANADIAN NIV POLICY

REF: A) FORBES-GAIDUK TELCON OF AUGUST 29, 1973

B) OTTAWA 2337, DECEMBER 29, 1972

C) STATE 179182, SEPTEMBER 10, 1973

1. EXTAFF (DIRGEN GILMOUR) INFORMED EMBOFF TODAY THAT INSTRUCTIONS FROM OTTAWA PREVENTING ISSUANCE OF VISAS SIMPLY TO "FACILITATE TRVEL" DO REPEAT DO REPRESENT A CHANGE IN POSITION IN THE FOLLOWING SENSE: DEPARTMENT WILL RECALL THAT LATE LAST YEAR CANADIANS CHANGED RULES TO SCREEN OUT MALA FIDE TRAVELLERS ATTEMPTING TO ENTER CANADA AS TOURISTS. AS LONG AS THESE ARE NOT IN POSSESSION OF VISAS, THEY HAVE NO STATUS AND NO RECOURSE TO APPEAL PROCEDURE OR TO CANADIAN COURTS. CANADIAN AUTHORITIES ARE THEREFORE EXTREMELY RELUCTANT TO ISSUE NONIMMIGRANT VISAS WHERE ARRANGEMENTS EXIST FOR CANADA ENTRY WITHOUT VISAS. EXCEPTIONS ARE POSSIBLE IN RARE CASES; E. G. WHERE A PERSON WAS ONCE BARRED BUT SUBSEQUENTLY BECOMES ADMISSIBLE AS A TEMPORARY VISITOR.

2. AS DEPARTMENT NO DOUBT AWARE, THERE ARE SOME FIFTY-FIVE COUNTRIES INCLUDING COMMONWEALTH, WESTERN EUROPEAN, AND OTHER COUNTRIES RESPECTING WHOSE NATIONALS CANADA HAS NIV WAIVER ARRANGEMENTS. CANADIAN AUTHORITIES RELUCTANT TO CIRCUMVENT SYSTEM BY MAKING EXCEPTIONS FOR REASONS NOT DIRECTLY OF CONCERN TO CANADA, PARTICULARLY IF SUCH EXCEPTIONS (I.E., NIV UNCLASSIFIED

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TO "FACILITATE TRAVEL") TEND NOT ONLY TO WEAKEN SYSTEM

BUT ALSO TO FACE CANADIAN AUTHORITIES WITH ADDITIONAL  
WORK SUCH AS INCREASING ALREADY HEAVY IMMIGRATION APPEAL  
BOARD BACKLOG AND OTHER PROBLEMS ATTENDANT UPON  
CONFERRING STATUS ON POSSIBLY MALA FIDE NONIMMIGRANT.

3. IN EMBASSY'S OPINION, SINCE CANADIANS UNDERSTANDABLY  
RELUCTANT TO PROVIDE STATUS WHERE THIS IS NOT REQUIRED  
FROM CANADIAN POINT OF VIEW (AND FOR PRECISELY THE SAME  
REASON WE AVOID CONFERRING NIV STATUS ON SUSPECTED  
IMMIGRANT) THE CONSULAR OFFICER CONFRONTED BY A C-1 VISA  
APPLICANT WHO DOES NOT MEET TRWOV REQUIREMENTS SIMPLY  
MUST MAKE JUDGMENT TO THE BEST OF HIS ABILITY AS TO  
WHETHER THE TRAVELER CAN IN FACT TRANSIT THE UNITED  
STATES (I.E. IS ADMISSIBLE INTO CANADA). IF NOT CON-  
VINCED THAT APPLICANT CAN MEET C-1 CRITERIA, HE WOULD  
HAVE TO COUNSEL DIRECT TRAVEL TO CANADA WITHOUT TRAVERSING  
THE U.S. OR U.S. TRANSIT MEETING NEW TRWOV REQUIREMENTS.  
SCHMIDT

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